

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
SPRINGFIELD, ILLINOIS

2003 NOV 20 P 2: 38

ILLINOIS & MIDLAND RAILROAD, INC.

Petitioner

vs.

STATE OF ILLINOIS DEPARTMENT OF
TRANSPORTATION; CINCINNATI TOWNSHIP

TRANSPORTATION DIV

T03-0086

SECOND AMENDED PETITION TO
MODIFY RAILROAD CROSSING INTERSECTION
D.O.T. 169809T
(FLASHING LIGHTS AND GATES)

Now comes the Petitioner, Illinois & Midland Railroad, Inc. with its petition of the Illinois Commerce Commission to modify a railroad crossing intersection, and in support thereof shows to the Commission the following:

1. The Petitioner, Illinois & Midland Railroad, Inc., is a Delaware Corporation authorized to operate as a Railroad in Illinois.
2. The Petitioner seeks to modify the railroad crossing described as D.O.T. 169809T; also described as I & M Crossing No. 138-A.
3. The Illinois Commerce Commission has jurisdiction of the subject matter.
4. The instant crossing D.O.T. 169809T in its present form, is the intersection of the single track of the mainline of the Illinois & Midland Railroad and Wagon seller Road (a north south road) in Tazewell County. The present crossing protection consists of automatic flashing lights, one stanchion at the Northwest quadrant of the Wagon seller Road intersection, and one in the Southeast quadrant. This present protection is in place by the State of Illinois Commerce Commission Order of November 29, 1972 of Docket No. 57468.
5. The single track mainline of the Petitioner extends northeasterly from its intersection with Wagon seller Road, lying easterly and parallel to the mainline is a series of 4 yard tracks housing from 115 railroad cars to 127 railroad cars, or some 7500' in length; this is called Crescent Yard. Those 4 yard tracks join the main line presently a short distance northerly from Wagon seller Road. Attached hereto, Exhibit No. 1, shows the general layout of the crossing and the accompanying yards, i.e. Crescent Yard and Powerton Yard.

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6. The petitioner has a yard consisting of 4 tracks lying Northwesterly of and parallel to the mainline called Powerton Yard; this permits of train service by the Petitioner for an Exelon coal fired electric generating station, located near that crossing.

7. Currently, there are 2 trains per day using the mainline, which cross Wagonseller Road. Presently, there are 11 yard movements across this same crossing. The mainline speed is 20 miles per hour, with the yard limit speed of 10 miles per hour.

8. The Petitioner desires to modify the existing described arrangement to permit of handling longer trains in the Crescent Yard. More particularly, the Petitioner is going to lengthen the present Crescent Yard Tracks 1-4, extending them in both a Northerly and Southerly direction, with the result that Crescent Yard Track No. 4 will accommodate 141 cars and Crescent Yard Tracks Nos. 1, 2, and 3 will each accommodate 139 cars.

The Northerly extension will take Crescent 4 track to within 10 feet of the existing Lost Creek Bridge.

In addition, Crescent Yard Track No. 1 will be extended southerly such that it will extend into Wagonseller Road and have its intersection with the mainline of Petitioners South of Wagonseller Road (the other Crescent Yard Tracks 2, 3, and 4 will not cross Wagonseller Road). See attached Exhibit 2.

The other modification will be relocation of the existing flashing crossing lights located in the Southeast quadrant to a distance further South because of the extension of Crescent Yard No. 1, Southerly into Wagonseller Road. Finally, the new crossing will be of 40' wood planks construction.

9. The change in the railroad crossing arrangement will not result in any additional mainline through movements; it will probably add 5 yard track movements across the crossing daily.

Some yard track movements, 4 per day, will be the movement of 135 car unit trains, causing the crossing to be blocked for approximately 8.5 minutes.

10. The daily vehicular traffic across the crossing is probably not in excess of 500 daily.

11. The cost to renovate the crossing itself to handle the changes in the crossing configuration is some \$32,000.00 as shown by Exhibit 3.

12. The cost to put in place a flashing light with gate on the Northerly side of Wagonseller Road, as well as, the cost of relocation of the Southerly flasher with flashing lights and a gate is some \$98,000.00, as shown in Exhibit 4.

13. This Wagonseller Road intersects with Illinois & Midland Railroad and is Township Road 62 and is located in Cincinnati Township, Tazewell County.

14. The changes proposed will be made by the Petitioner with its own forces, and made in accordance with the Rules of the Illinois Commerce Commission.

15. The modifications to the crossing are necessary to handle the train movements, and accompany yard movements, and the changes are consistent with the best interest of the public health convenience and necessity.

Whereof the Petitioner, Illinois & Midland, Inc., pray of the Illinois Commerce Commission that it authorize the Illinois & Midland to modify the crossing to permit a yard track to extend across Wagon seller Road, and to install and relocate existing flashing lights and gates at Wagon seller Road, all as described above and for such other and further relief as may be necessary.

ATTESTATION

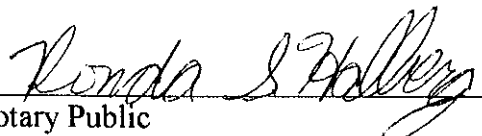
STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

I, being first duly sworn on oath, deposes and states that I am the engineer for Illinois and Midland in the above-captioned matter, that I have read the foregoing document, and the statements made herein are true, correct and complete to the best of my knowledge and belief.

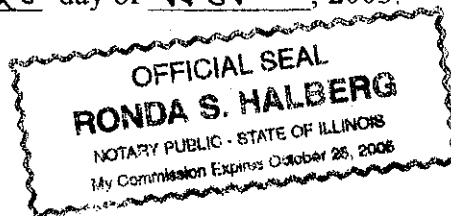


Signature

Subscribed and Sworn to before me
this 20 day of Nov, 2003.

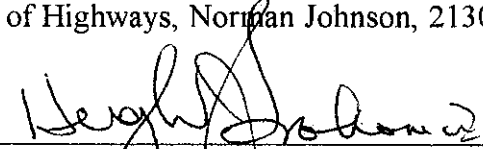


Notary Public



CERTIFICATION

I, Hugh J. Graham, III attorney for the I & M certify that I have on this the _____ day of November, 2003 filed the original and three copies of the aforementioned Petition with the Illinois Commerce Commission and deposited in the United State mail an additional copy with the Illinois Department of Transportation, Victor A. Modeer, Director, Attn: Jeff Harpring, 2300 South Dirksen Parkway, Springfield, Illinois 62764 and the County of Tazewell's Superintendent of Highways, Norman Johnson, 21308 ILL RR #9, Tremont, Illinois 61568.



Hugh J. Graham, III

cc: County of Tazewell

CINCINNATI TOWNSHIP204 E. MAIN ST. BOX 507
SOUTH PEKIN, ILLINOIS 61564ILLINOIS COMMERCE
COMMUNITY

SUPERVISOR: 309-348-2200

ASSESSOR: 309-348-2479

ROAD & BRIDGE: 309-348-3507

FAX: 309-348-3824

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FACSIMILE COVER SHEET

TRANSPORTATION DIV

DATE: 11/19/03NO. OF PAGES (INCL. COVER) 2TO: FAX NUMBER: 217-523-4656NAME: Atty. W. GrahamCOMPANY/FIRM Graham & Graham

RE:

Mr. Graham:
The original will be forthcoming by
mail. Any questions or comments, please
contact this office.

Monica

CINCINNATI TOWNSHIP

204 E. MAIN ST. BOX 507
SOUTH PEKIN, ILLINOIS 61584

SUPERVISOR: 309-348-2200 . ASSESSOR: 309-348-2479 . ROAD & BRIDGE: 309-348-3807

November 18, 2003

Illinois Commerce Commission
Illinois & Midland Railroad, Inc
Attn: Richard Daniels

To whom it may concern;

The Illinois Midland Railroad Company has my permission, Cincinnati Township Road Commissioner, Ron Hawkins, to add another railroad crossing across Waggonseiler Road, with the following stipulations;

- 1.) Must install flashing lights, gates.
- 2.) While road is closed Illinois Midland Railroad must maintain the road closed signs until the road is open.
- 3.) To keep a temporary all weather surface until weather permits a permanent surface.

I have read your petition, understand your request and agree with a commission order with changes you are making in the Waggonseiler Road I&M crossing: generally to consist of replacement of existing flashing lights with flashing lights and gates as well as an extension of one of your tracks through the crossing itself.

a.) The township does not feel that there is need for a hearing on this petition as amended; Rather the commission may act on the information it has presently.

Cincinnati Road Commissioner



Ronald C. Hawkins

c.c.

Attn: Richard Daniels